

Chapter Med 16

PUBLIC INSPECTION AND COPYING OF RECORDS

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Med 16.01 Authority and purpose. The rules of this chapter are adopted to implement the policy of this state that the public is entitled to the most complete information regarding the affairs of government as is compatible with the conduct of government business. It is the declared purpose of the medical examining board that its officials and employes shall render whatever assistance is necessary to implement this policy.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

Med 16.02 Definitions. (1) "Board" means the medical examining board.

(2) "Records" or "records" means "public records" as defined in s. 16.80(2) (a), Stats., and includes "property and other things" referred to in s. 19.21 (1), Stats.

(3) "Legal custodian" is the board secretary.

(4) "Alternate custodian" is the board's administrative assistant, a full-time employe, who shall perform the duties of the legal custodian when the legal custodian is unavailable. The legal custodian and the alternate custodian shall report to the board in writing on actions taken which deny access to board records. Such legal custodian and alternate custodian shall act as agents of the board in fulfilling these responsibilities.

(5) "Office" means the public facility in which the board has its offices.

(6) "Segregated records" means any records identified in accordance with Med 16.03 (1), Wis. Adm. Code.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

Med 16.03 Segregation of records. (1) The legal custodian shall, under the direction of the board, segregate and provide proper identification of all the records consisting of examinations and investigations and any other records which are determined to qualify for possible exemption from public inspection under any statute, common law ruling, judicial decision or attorney general's opinion. Where a record contains both confidential material which can be segregated under this rule, and material which would be available for inspection under Med 16.04, Wis. Adm. Code, the legal custodian or alternate custodian may delete the confidential material from the copy made available and the file will indicate that there is segregated information.

(2) No employe shall allow public inspection or copying of segregated records without the prior approval of the legal custodian or the alternate custodian.

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(3) The legal custodian or alternate custodian *may* refuse inspection or copying of a segregated record where it is determined that the public interest in withholding inspection or copying of such record exceeds the public benefit to be gained by granting inspection or copying. The public interest in withholding a record would be present in the following situations:

(a) A pledge of confidentiality was given to an informant or complainant and such pledge was made to obtain the information and was necessary to obtain the information.

(b) The record is a subject of an active investigation.

(c) The record concerns a possible future criminal prosecution or disciplinary action.

(d) Being a complaint the contents of which are such as to conclude that the complainant acted in a malicious manner.

(e) The disclosure would unduly damage reputations.

(f) The record concerns advice from legal counsel for the board concerning strategy to be adopted with respect to litigation in which the board is, or is likely to become involved.

(g) The record contains attorney work product.

(h) The record contains a privileged communication specified in ch. 905, Stats.

(i) The record contains minutes of meetings closed under the authority of s. 19.85, Stats.

(j) The record contains materials relating to board deliberations after quasi-judicial hearings.

(k) The record consists of the contents of licensing examinations.

(l) The record is made confidential by statute, judicial decision or attorney general's opinion.

(m) The record is received on a confidential basis from another governmental agency.

(4) If the legal custodian or alternate custodian denies a request to inspect or copy records written reasons shall be given and the requesting party shall be advised of the right to appeal and to state why inspection should be granted including the purpose for which the record is needed by the requestor.

(5) If inspection is denied by the legal custodian or alternate custodian a written appeal may be made to the chairman of the board who shall within 10 working days of the receipt of the appeal give the requestor written notice of the determination and the reasons therefore.

(6) If inspection is denied by the chairman a written appeal may be made to the full board who shall at its next regularly scheduled meeting consider the appeal and give the requestor written notice of the determination and the reasons therefore.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

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Med 16.04 Available records. (1) All records not segregated shall be kept at the office of the board or governmental record storage sites and shall be available for public inspection and copying during office hours when such inspection or copying does not unduly interfere with the work of office staff.

(2) Original records shall be examined under the supervision of the staff of the board and shall not be removed from the office.

(3) A request to inspect records will be deemed sufficient if it reasonably describes the requested record and contains the person's name and address.

(4) No person shall be required to state a reason for inspecting any record.

(5) Phone requests will be honored only if the information is on the registration card.

(6) The charge of duplicating records shall be 10 cents per page.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.